

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JORGE L. CONCEPCION,**  
**Plaintiff,**

**v.**

**KIRSTEN KINCH, BRANDY BECK,**  
**JOHN E. DILLENSNYDER III,**  
**TONYA SHAFFER, AND JOHN DOE,**  
**Defendants.**

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**CIVIL ACTION NO. 21-CV-3434**

**ORDER**

AND NOW, this 16<sup>th</sup> day of December, 2022, upon consideration of Defendants' Motions to Dismiss (ECF Nos. 42 & 44), as well as all other submissions related thereto, and for the reasons stated in the accompanying memorandum, it is **ORDERED** that:

1. Defendants' Motions to Dismiss (ECF Nos. 42 & 44) are **GRANTED** in part and **DENIED** in part,

2. Counts I, II, and III of Plaintiff's Third Amended Complaint (ECF 41) are **DISMISSED without prejudice** with leave to amend within fourteen (14) days,

3. Count IV is **DISMISSED with prejudice** against Defendants Shaffer and Dillensnyder only,

4. Defendants' Motions to Dismiss are **DENIED** (ECF Nos. 42 & 44) as to Count IV against Defendants Kinch, Beck, and Doe.

**BY THE COURT:**

**/s/ MICHAEL M. BAYLSON**

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**MICHAEL M. BAYLSON, J.**